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TC 3600

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In re Application of	:	
Wayne M. Slagle	:	DECISION ON PETITION
Application No. 09/473,194	:	TO WITHDRAW THE
Filed: December 6, 1999	:	HOLDING OF ABANDONMENT
For: DUMB WAITER ELEVATING AND LOWERING PLATFORM DEVICE	:	

This is a decision on the applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO), on December 16, 2002. There is no fee for this petition.

The petition is **GRANTED**.

A review of the file record indicates that the application was held abandoned for failure to timely respond to the Final rejection of April 2, 2002.

Applicant's petition submits a statement that the Final rejection of April 2, 2002 was not received and argues that the Office action was mailed to the inventor at an address that was an incorrect correspondence address of record.

A further review of the file reveals that the power of attorney that was submitted on January 15, 2002 was not processed prior to the mailing of the April 2, 2002 Final rejection. Consequently, the Office communication of April 2, 2002 was improperly sent to an incorrect address of record. This is clearly the reason for the non-receipt by the applicant of the Office communication. Therefore, the holding of abandonment is withdrawn.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the holding of abandonment and restore the application to pending status. Since the applicant's attorney did receive a courtesy copy of the April 2, 2002 amendment from the examiner by fax on October 30, 2002, a response to that action has been included with the petition. Therefore, the Final rejection will not be remailed. The time period for responding to the Final rejection is hereby reset to run 3 months from the mailing date of this decision.

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Telephone inquiries relative to this decision should be directed to me at the number below.



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